

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

UNITED STATES OF AMERICA

v.

**ANTHONY SEAN WALKER,
Defendant**

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CRIMINAL NO.: 5:07-CR-16

ORDER

The United States of America ("United States") by and through its attorney, the United States Attorney for the Middle District of Georgia, and First Community Bank of Tifton, ("FCB") (hereinafter collectively referred to as the "parties"), have executed and presented to the Court an Expedited Settlement Agreement and Release of Claims which is attached hereto and made a part of this Order, in which they agreed that Petitioner FCB's interest in the land of the subject property located at 515 Coy Cox Road, Omega, Colquitt County, Georgia, more particularly described as:

All that certain tract or parcel of land lying and being in Land Lot 19 of the 9th Land District of Colquitt County, Georgia, and being more particularly described as **Lot 6 (containing 1.14 acres), Dianne Subdivision (Phase II)**, and is more particularly described according to that plat of survey entitled "Plat of Survey for Dianne Subdivision (Phase II)" prepared by Land Surveyors, Inc., of Moultrie, Georgia, on August 6, 2003, said plat being recorded in Plat Book 37, Page 99A, in the office of the Clerk of Colquitt Superior Court and being by reference incorporated herein.

(hereinafter referred to as "Property"), shall be forfeited to the United States, and all unpaid principal plus all unpaid interest through November 7, 2007, shall be paid to FCB in full satisfaction of any and all claims that Petitioner FCB may have or hereinafter have in the property if the United States prevails against the defendant and any other competing third-

party claims. Accordingly, the Court hereby makes the following findings of fact and conclusions of law:

1. This Court has jurisdiction of this matter pursuant to 28 U.S.C. §§ 1345 and 1355, and venue is proper pursuant to 28 U.S.C. § 1395.

2. The United States has stipulated and agreed that FCB has a prior vested superior interest in the Property and that any violations of Title 21, United States Code, Section 853 involving the Property occurred without the knowledge and consent of FCB.

3. The parties have stipulated and agreed that the payment to FCB from the sale of the Property shall be in full settlement and satisfaction of all claims by FCB to the Property, and all claims resulting from the incidents or circumstances giving rise to this action.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. Following the forfeiture of defendant's interest in the Property, the subsequent filing of any additional third-party claims in an ancillary proceeding, the court's entry of a final order of forfeiture to the United States, and sale of the property pursuant to the final order of forfeiture, the United States Marshal Service shall issue a check to FCB, payable to First Community Bank of Tifton, Post Office Box 8, Tifton, Georgia 31793, in the amount of \$40,611.55, and forward the same to the United States Attorney's Office for the Middle District of Georgia for distribution to FCB.

2. That upon sale of the Property, title to said property shall be transferred to the purchaser or receiver in fee simple absolute, free and clear of any and all liens and

encumbrances, including the effect of the lis pendens recorded by the United States against the Property, except for easements and rights of way.

3. Pursuant to 28 U.S.C. § 2465, no parties shall be entitled to costs, including any costs under 28 U.S.C. § 2412, nor shall the person or persons who made the seizure of the defendant property, nor any attorney, agent, or employee of the United States, be liable to suit or judgment on account of the seizure of the defendant property or prosecution of the instant forfeiture action, there being reasonable cause shown for the seizure.

SO ORDERED, this 25th day of February, 2008.

S/ Hugh Lawson
HUGH LAWSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT

Prepared by:

DONALD L. JOHSTONO
ASSISTANT UNITED STATES ATTORNEY
GEORGIA STATE BAR NO. 397015
ATTORNEY FOR PLAINTIFF